IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : To Be Assigned Confirmation No. TBA

Applicant(s) : MAIOCCO, James N. et al. Filed : Concurrent Herewith

TC/A.U. : To Be Assigned Examiner : To Be Assigned

Title : System and Method for Monitoring Global Network Performance

Docket No. : 044897.002

Customer No. : **25461**

INFORMATION DISCLOSURE STATEMENT

Mail Stop PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. 1.56, Applicants are enclosing an Information Disclosure Statement by Applicant (Form PTO/SB/08b) and copies of the non-patent documents cited therein. The non-patent documents are printouts of online Internet publications that do not include dates for such references, except for the first reference listed on Form PTO/SB/08b. Applicants further have no information to determine whether or not the same is prior art.

It is respectfully requested that the cited documents be considered by the Examiner in the aboveidentified patent application and that the cited documents be made officially of record therein. It is further requested that a listing of the same appear on the face of any patent which may issue from this application.

A first Official Action has not yet issued for this application. Therefore, it is believed that no fees are due under 37 C.F.R. Section 1.97(b)(3).

Respectfully submitted,

By: Eric J. Hanson, Reg. No. 44,738

Dated: January 23, 2004

SMITH, GAMBRELL & RUSSELL, LLP

Suite 3100, Promenade II 1230 Peachtree Street, N.E. Atlanta, Georgia 30309-3592

Ph: (404) 815-3706 Fax: (404) 685-7006

PTO/SB/08b(08-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO						Complete if Known		
	INEO	DRA A TI	ON DIS	SCLOSURE	Application Number	To Be Assigned		
					Filing Date	Concurrent Herewith		
	SIA	IFMEN	IBA	PPLICANT	First Named Inventor	MAIOCCO, James N. et al.		
					Art Unit	To Be Assigned		
		(Use as ma	nny sheets as	necessary)	Examiner Name	To Be Assigned		
	Sheet	2	of	2	Attorney Docket Number	044897.002		

		NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the article					
		ESTAN, Christian, et al., "New Directions in Traffic Measurement and Accounting," SIGCOMM'02, August 19-23, 2002, Pittsburgh, PA				
		GUNDUZ, Gurhan, et al., "A Portal Based Approach to Viewing Aggregated Network Performance Data in Distributed Brokering Systems"				
		SAHAI, Akhil, et al., "Towards Distributed and Dynamic Network Management"	-			
-		"NetScout, Unified Network and Application Performance Management Solution"				
		www.infovista.com, InfoVista, Server web pages				
		www.activexperts.com, ActiveXperts, ActiveXperts Network Monitor 5.3 web pages				
		www.clearpathnet.com, ClearPath Networks, Network Monitoring web pages				
		solarwinds.net, SolarWinds.net Network Management, Network Performance Monitor web pages				

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known		
				Application Number	To Be Assigned	
INFC	PRMATION	DIS	CLOSURE	Filing Date	Concurrent Herewith	
STA	TEMENT 8	BY A	PPLICANT	First Named Inventor	MAIOCCO, James N. et al.	
				Art Unit	To Be Assigned	
	(Use as many sh	eets as	necessary)	Examiner Name	To Be Assigned	
Sheet	1	of	2	Attorney Docket Number	044897.002	

U.S. PATENT DOCUMENTS							
Examiner	Cite	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan Passages or Relevant Figures Appear		
Initials *	No.1	Number - Kind Code ² (if known)	MM-DD-YYYY				
		US- 6,269,330	07-31-2001	CIDON ET AL.			
		US- 2002/0172222 A1	11-21-2002	ULLMANN ET AL.			
		US- 2003/0041238 A1	02-27-2003	FRENCH ET AL.			
_		US- 2003/0110252 A1	06-12-2003	YANG-HUFFMAN			
_		US- 2003/0115316 A1	06-19-2003	YANG-HUFFMAN			
		US- 2002/0188662 A1	12-12-2002	CANALI ET AL.			
		US- 2003/0235209 A1	12-25-2003	GARG ET AL.			
		US- 2004/0001511 A1	01-01-2004	MATTA			
·		US-					
		US-					
		US-					
		US-					
	1	US-					
		US-					
•		US-					
		US-					
		US-					
		US-					
		US-					
	T	US-					

		FOREIGN PA	TENT DOCU	MENTS		
Examiner	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
Initials*		Country Code ³ - Number ⁴ - Kind Code ⁵ (<i>if known</i>)				
	<u> </u>					

Examiner Signature	Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.